

REMARKS/ARGUMENTS

The Examiner subjected claims 1-54 to a restriction requirement. The Examiner stated that the application contains claims directed to the following patentably distinct inventions:

- I. Claims 1-26, drawn to a system for performing automatic pacing optimization for different heart ranges, classified in class 607, subclass 14;
- II. Claims 27-45, drawn to a system for reducing motion artifacts including monitoring a patient's heart rate, classified in class 600, subclass 513; and
- III. Claims 46-54, drawn to a system for performing pacing interval optimization without monitoring a patient's heart rate, classified in class 607, subclass 9.

The Examiner required Applicant under 35 U.S.C. §121 to restrict the application to one of the above inventions.

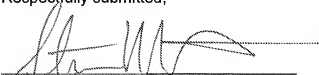
Applicant has elected Invention I for prosecution on the merits, without traverse, and has accordingly withdrawn claims 27-54.

Applicant believes that the above remarks are fully responsive to the Office Action dated August 11, 2006. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Steven M. Mitchell at (408) 522-6101.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 22-0265.

Respectfully submitted,

Dated: 9/1/06



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